

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JAMES LEE CROW,

Petitioner,

v.

CALIFORNIA DEPARTMENT OF
CORRECTIONS AND
REHABILITATION,

Respondent.

No. 1:25-cv-00508-KES-SKO (HC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS, DISMISSING
PETITION FOR WRIT OF HABEAS
CORPUS WITH PREJUDICE, DECLINING
TO ISSUE CERTIFICATE OF
APPEALABILITY, AND DIRECTING
CLERK OF COURT TO ENTER JUDGMENT
AND CLOSE CASE

Doc. 8

Petitioner James Lee Crow is a state prisoner proceeding pro se and in forma pauperis with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On May 12, 2025, the assigned magistrate judge issued findings and recommendations to dismiss the petition. Doc. 8. Those findings and recommendations were served upon all parties and contained notice that any objections thereto were to be filed within twenty-one (21) days after service. No objections have been filed, and the deadline to do so has expired.

In accordance with the provisions of 28 U.S.C. § 636(b)(1), the Court has conducted a de

1 novo review of the case. Having carefully reviewed the file, the Court concludes that the findings
2 and recommendations are supported by the record and proper analysis.

3 Having found that petitioner is not entitled to habeas relief, the Court now turns to
4 whether a certificate of appealability should issue. A petitioner seeking a writ of habeas corpus
5 has no absolute entitlement to appeal a district court's denial of his petition, and an appeal is
6 allowed only in certain circumstances. *Miller-El v. Cockrell*, 537 U.S. 322, 335-336 (2003). If a
7 court denies a habeas petition on the merits, the court may issue a certificate of appealability only "if
8 jurists of reason could disagree with the district court's resolution of [the petitioner's] constitutional
9 claims or that jurists could conclude the issues presented are adequate to deserve encouragement to
10 proceed further." *Miller-El*, 537 U.S. at 327; *Slack v. McDaniel*, 529 U.S. 473, 484 (2000). While
11 the petitioner is not required to prove the merits of his case, he must demonstrate "something more
12 than the absence of frivolity or the existence of mere good faith on his . . . part." *Miller-El*, 537 U.S.
13 at 338.

14 In the present case, the Court finds that reasonable jurists would not find the Court's
15 determination that the petition should be denied debatable or wrong, or that the petition is deserving
16 of encouragement to proceed further. Petitioner has not made the required substantial showing of the
17 denial of a constitutional right. Therefore, the Court declines to issue a certificate of appealability.

18 Accordingly,

- 19 1. The findings and recommendations issued on May 12, 2025, Doc. 8, are adopted in
20 full;
- 21 2. The petition for writ of habeas corpus is dismissed with prejudice;
- 22 3. The Clerk of Court is directed to enter judgment and close the case; and
- 23 4. The Court declines to issue a certificate of appealability.

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26 IT IS SO ORDERED.

27 Dated: June 19, 2025

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UNITED STATES DISTRICT JUDGE